

**Submission
No 5**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS
OF CLIMATE CHANGE ON THE ENVIRONMENT AND
COMMUNITIES**

Organisation: Camden Council

Date Received: 31 October 2023

31 October 2023

Ms Susan Higginson MLC
Chair Portfolio Committee No. 7
NSW Parliament
6 Macquarie Street
SYDNEY NSW 2000

Dear Ms Higginson,

Re: Parliamentary Inquiry – Planning System and the impacts of climate change on the environment and communities

I am writing to you in regards to the 'NSW Legislative Council's Portfolio Committee No. 7 – Planning and Environment' inquiry into the planning system and the impacts of climate change on the environment and communities.

Please note that this submission, whilst prepared by Council officers, is not formally endorsed via a resolution of Council. Due to the timing for release of the Committee's inquiry terms of reference, and Council's set meeting schedule for 2023, it was not possible to report this submission to Council prior to the Committee's due date of 3 November 2023.

The scope of the Committee's inquiry is significant for Camden Council as we have experienced increased frequency and intensity of extreme weather events that have led to costly disruptions and recovery, reduced liveability for our local communities and impacts on natural systems including flora and fauna. In 2022 the Camden community was impacted by flooding on four separate occasions and Council eagerly anticipates the outcomes/recommendations of this inquiry that may assist in ensuring our community can better mitigate and adapt to the changing environmental and climatic conditions. With a population growth rate of 4.5% per annum Camden is also one of the fastest growing LGAs in the country and we are keen to ensure our existing and growing population is resilient to the effects of climate change.

Camden Council is committed to combatting the effects of climate change and have initiated a number of measures to mitigate our impacts, including but not limited to:

- **Solar Initiatives** - installing solar panels on Council buildings;
- **E-Mobility** – introducing electric vehicles into our fleet as part of our commitment to clean energy transport solutions;
- **LED Street Lighting** – Council has partnered with Endeavour Energy to convert all street lights in the LGA to energy efficient LED's to reduce electrical demand;
- **Pedestrian Access and Mobility** - Council has an annual program of works to improve the pedestrian connectivity and mobility throughout the LGA; and

- **Urban Heat** – Council has a Street Tree Planting Program to mitigate the impacts of the urban heat island effect.

Furthermore, on 12 September 2023 Camden Council adopted *Camden: Towards Net Zero Strategy 2023* which provides a framework to reduce emissions from Council's operations. The Strategy outlines the pathway to achieve net zero emissions from Council operations by 2050 with an interim target to reduce emissions by 50% by 2030 (based on 2018-19 levels).

The below information, that follows the headings in the terms of reference, is provided to assist the Portfolio Committee conducting the inquiry:

(a) Development proposed or approved:

- (i) In flood and fire prone areas or areas that have become more exposed to natural disasters as a result of climate change,**
- (ii) In areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change, and**
- (iii) In areas that are threatened ecological communities or habitat for threatened species**

The Nepean River and South Creek (including tributaries) and associated floodplains are a prominent feature of the Camden LGA. Furthermore, a significant portion of the historic township of Camden is located within the Nepean River Floodplain. Camden Council actively seeks to understand and mitigate against flood behaviour and in February 2023 Council adopted the following flood documents:

- An updated Upper South Creek Flood Study;
- An updated Nepean River Floodplain Risk Management Study and Plan (including Narellan Creek); and
- An updated Flood Risk Management Policy.

While the above studies and documents are useful in ensuring new developments are designed in a manner that responds to the effects of flooding, Council has limited powers to assist existing developments located in a floodplain. To this end, Camden would encourage the investigation of the following measures:

- **Buy Back & House Raising Schemes** – With the increased frequency and intensity of extreme weather events, Council requires more substantial support from the State to address the future of flood prone properties/neighbourhoods. Buy back schemes and house raising initiatives can play a pivotal role in mitigating future flooding risks.
- **Resourcing for Floodplain Management Projects** – Greater support is required from the State Government as councils currently only receive partial / restricted funding for floodplain management projects, with an inability to utilise grant funds to employ additional staff to assist with these projects. Floodplain Management projects, coupled with the assessment of Planning Proposals and Development Applications, place a significant burden on Council's technical officers, particularly in a growth council like Camden. With the changing nature of climate risks to flooding greater State Government support is required to fund floodplain management projects. Unrestricted funding would allow additional resources (i.e. staff) that would mitigate this risk and assist in the delivery of new housing (i.e. improved DA turnaround times).

- **Flood Recovery** - Recent flood events had a significant impact on local government in managing the response and recovery for the community. While funding was available from various State and Federal sources, these grants required resource intensive analysis and preparation and a more streamlined approval process should be investigated.
- (b) **The adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:**
- (i) **The cumulative impacts of development,**
 - (ii) **Climate change and natural disasters,**
 - (iii) **Biodiversity loss, and**
 - (iv) **Rapidly changing social, economic and environmental circumstances**

It is agreed that the current powers to consider the costs of placing people or the environment at risk as a consequence of climate change and natural disasters are inadequate. In NSW this was evident with the bushfires in 2019 and 2020 and the flood events in 2022.

The preparation of comprehensive flood studies and associated policies take significant time and investment. New flood studies and/or updated Flood Risk Management Policies can often have a negative impact on the development potential of existing zoned/developable land. Councils have no powers to review, revoke or amend existing approvals that may otherwise be deemed unsuitable under the new studies/policies. Furthermore, in the absence of buy back or compensation schemes, the revoking of existing development approvals can have a significant impact on property owners.

The cumulative impact of development can also be difficult to quantify and is often viewed as being outside the scope of a particular development application. Greater guidance and/or legislation that assists planning bodies in considering the above-described costs would result in improved decision making.

- (c) **Short, medium and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectations and need for homes, schools, hospitals and infrastructure**

The following planning reforms should be investigated to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions:

- **Complying Development** - A significant volume of housing is approved via the Complying Development Certificate (CDC) pathway under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('Codes SEPP'). The Codes SEPP has limited design controls that prioritise sustainable outcomes. The controls within the Codes SEPP should be reviewed to improve the liveability and sustainability outcomes (e.g. increased tree planting on private properties, lighter coloured roofs and hardstand areas etc).
- **Combatting urban sprawl** - Low density 'urban sprawl' puts an emphasis on car travel rather than public transport or walking/cycling. The minimum / average lots sizes have also reduced to the point that private tree planting is very limited (given the lack of space). Planning reforms are required to ensure greater housing diversity with greater tree planting is achieved in both high density and low density areas.
- **BASIX Standards** - BASIX standards have historically not kept pace with the projected future climate for NSW, particularly for South-West Sydney. While it is noted that the BASIX

standards recently increased, it is important that these standards are reviewed more regularly. Consideration should also be given to mandating lighter coloured roofs and hardstand areas (as also recommended with the Codes SEPP above).

- **Water Quality Standards** - Documents to guide water sensitive urban design can be difficult to implement. A review of the available resources with the objective of collating into a single, easy to implement document would assist Council's looking to update design and construction specifications and water quality outcomes.
- **Public Open Space** - Adequate public open spaces, with established vegetation, are essential in battling the heat island effect and quantity is as crucial as quality. Such spaces provide relief, especially in densely populated areas. Planning reforms should guide and mandate the provision of quality public open space.
- **Innovative Incentives** – Consideration should be given to incentives that encourage sustainable design innovation (e.g. financial incentives, tax breaks or streamlined approval processes).
- **Environmental Planning & Assessment Act & Climate Change** - The EP&A Act currently lacks explicit references to climate change. Consideration should be given to amending the Act to include climate change readiness, thereby embedding mitigation and adaptation strategies into the planning system.
- **Transparent Penalties** – Consideration should be given to transparent penalties for breaches in planning, such as the unauthorised removal of native vegetation. Such matters are currently very difficult to successfully prosecute.
- **Review of Climate Projections** – Consideration should be given to mandating periodic reviews of climate projections to ensure our standards are up-to-date with the latest scientific insights.

(d) Alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change

As new precincts are planned, Camden Council can actively respond to changes in policy that identify areas that are no longer deemed suitable for development, and increased densities can be accommodated in more suitable locations. That said, guidance is required as to what to do with this land if no longer deemed suitable for development. For instance, open spaces impacted by weather events (such as flooding) reduces the usability of the space and can increase the maintenance burden to Council.

I trust the above will assist the Inquiry in developing short, medium and long term planning reforms that will ensure our communities are better protected against the changing environmental and climatic conditions.

Should you require any further information regarding Council's submission, please do not hesitate to contact myself on (Manager Statutory Planning) on .

Yours sincerely,

DIRECTOR PLANNING AND ENVIRONMENT

English

"This information is important. If you need help understanding this document please call the Translating and Interpreting Service (TIS) on 131 450 and ask them to contact Council on 13 226336.

Arabic

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Chinese

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